

City Council Meeting
10 N. Public Square
January 2, 2014
6:00 P.M. – Work Session 7:00 P.M.

I. Opening Meeting

Invocation by Council Member McDaniel

Pledge of Allegiance led by Council Member Tate

The City Council met in Regular Session with Matt Santini, Mayor presiding and the following present: Kari Hodge, Council Member Ward One; Jayce Stepp, Council Member Ward Two; Louis Tonsmeire, Sr., Council Member Ward Three; Lindsey McDaniel Council Member Ward Four; Dianne Tate, Council Member Ward Five; Sam Grove, City Manager; Connie Keeling, City Clerk and David Archer, City Attorney. Lori Pruitt, Council Member Ward Six was absent.

II. Regular Agenda

A. Swearing in of Elected Officials

Connie Keeling, City Clerk administered the Oath of Office to city officials, Matthew J. Santini, Mayor; Kari Hodge, Council Member Ward One; Louis Tonsmeire, Sr., Council Member Ward Three; and Dianne Tate, Council Member Ward Five – Mayor Pro-Tem who were elected in the November 3, 2013 General Election.

B. Council Meeting Minutes

1. December 19, 2013

A motion to approve the December 19, 2013 City Council Meeting Minutes as presented was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

B. Appointments

1. Appointment and Swearing in of Municipal Court Judge

Mayor Santini stated that this is the annual reappointment of Municipal Court Judge, Harry White, as required according to statute.

A motion to approve the reappointment of Harry White was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

2. Appointment and Swearing in of Assistant Municipal Court Judge

Mayor Santini stated that this is the annual reappointment of Assistant Municipal Court Judge, Jay Choate, as required according to statute.

A motion to approve the appointment of Jay Choate was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Connie Keeling, City Clerk administered the Oaths of Office to Judge White and Judge Choate.

3. Development Authority

Sam Grove, City Manager stated that the Development Authority of Cartersville has three members whose terms will expire and all but Gene Tilley have agreed to stay on if reappointed. Mr. Grove recommended approval of the appointment of Ralph “Sonny” Miller as well as the reappointment of Tommy Strickland, and Walter Mahone for a new term to expire January 6,

2018.

A motion to approve the appointments of Ralph Miller, Tommy Strickland and Walter Mahone was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

4. Recreation Advisory Board

James Gordy, Parks and Recreation Assistant Director stated that there are four members of the Parks and Recreation Advisory Board whose terms are expiring and recommended the following appointments: Brian Thomas, Ward 1; Kathy Hayes, Ward 3; Tommy Hall, Ward 5; and Howard Smith, Mayor. All terms coincide with those of the council members who appoint the members.

A motion to approve the recommended members to the Recreation Advisory Board was made by Council Member Tonsmeire and seconded by Council Member Stepp. Motion carried unanimously. Vote 5-0

5. Water Superintendent

Sam Grove, City Manager stated that with the recent retirement of Jim Stafford council would need to appoint a new Water Superintendent. Mr. Grove stated that Bob Jones had been with the Water Department since 1999; he holds a Bachelor Degree in Environmental Science from UGA; a Bachelor of Business Administration from KSU; and is currently the Assistant Superintendent. Mr. Grove recommended the appointment of Bob Jones as the new Water Department Superintendent.

A motion to approve the appointment of Bob Jones as the new Water Department Superintendent was made by Council Member Stepp and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

Mr. Jones came forward and introduced his wife Lanna and son Owen and thanked the Mayor and Council for this opportunity.

D. Public Hearing – 2nd Reading of Zoning/Annexation Requests

1. File SU13-06: Special Use Application by James Forte to operate a pawn shop with no outdoor storage at 617 North Tennessee Street (approximately 0.26 acres).

Randy Mannino, Planning and Development Director stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that this property is located at 617 North Tennessee Street, near the intersection with Porter Street. The property includes a freestanding, single-use commercial building constructed in approximately 1969. The applicant proposes to operate a pawn shop in this building without outdoor storage. Mr. Mannino stated that there have been no additions or changes since the last meeting and the Planning Commission has recommended approval.

Mayor Santini opened the floor for a public hearing and with no comments he closed the public hearing.

A motion to approve Ordinance No. 01-14 as recommended by the Planning Commission was made by Council Member Stepp and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 01-14

Petition No. SU13-06

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Kathy Allen. Property is located 617 North Tennessee Street. Said property contains 0.26 acres located in the 4th District, 3rd Section, Land Lot(s) 337 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from M-U (Multiple Use) to M-U (Multiple Use) with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

1. To allow pawn and/or title pawn shop with no outdoor storage.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of December 2013.

ADOPTED this the 2nd day of January 2014. Second Reading.

/s/ Matthew J. Santini
Matthew J. Santini
Mayor

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. **File T13-05: Text Amendment application by the City of Cartersville to amend various sections of the Zoning Ordinance**

Randy Mannino, Planning and Development Director stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino stated that this application by the City of Cartersville is to revise the Optional Density Bonus section of various residential district portions of the Zoning Ordinance, as requested by the City Attorney’s Office. The Optional Density Bonus allow single family houses to be built on smaller lots than would normally be allowed in a residential zoning district if a builder chooses to use one of the options written into the ordinance. Mr. Mannino stated that the City Attorney’s Office has requested that item three (3), one of the options used to obtain the density bonus related to donation of land be removed from the list. This removal would affect the R-20, R-15, R-10, R-7, and R-D Districts. Mr. Mannino stated that there have been no additions or changes since the last meeting and the Planning Commission has recommended approval.

Mayor Santini opened the floor for a public hearing and with no comments he closed the public hearing.

A motion to approve Ordinance No. 02-14 was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 02-14

Petition No. T13-05

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, that the Code of Ordinances, City of Cartersville, Georgia **CHAPTER 26. ZONING. ARTICLE VI. SINGLE FAMILY DWELLING DISTRICT REGULATIONS.** is hereby amended by deleting the following subsections:

1.

Sec. 6-1. R-20 Single-Family Dwelling District 6.1.3 Development Standards K. Optional Density Bonus (3).

2.

Sec. 6.2.R-15 Single-Family Dwelling District 6.2.3 Development Standards K. Optional Density Bonus (3).

3.

Sec.6.3.R-10 Single-Family Dwelling District 6.3.3 Development Standards K. Optional Density Bonus (3).

4.

Sec. 6.5.3.R-7 Single-Family Dwelling District 6.5.3 Development Standards N. Optional Density Bonus (3).

5.

Sec. 6.6. R-D Single Family Dwelling District 6.6.3 Development Standards L. Optional Redevelopment Density Bonus (3).

6.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

First Reading this the 19th day of December 2013.

ADOPTED this the 2nd day of January 2014. Second Reading.

/s/ Matthew J. Santini

Matthew J. Santini

Mayor

ATTEST:

/s/ Connie Keeling

Connie Keeling

City Clerk

3. File Z13-08: Rezoning application by Randy Cochran for property located at 150 Old Mill Road (approximately 20.3 acres). Applicant proposes to delete condition two (2) from this property zoned MF-14 with conditions.

Randy Mannino, Planning and Development Director stated that the Public Official Forms have been received and there are no conflicts of interest. All adjacent property owners have been notified and the required legal notices have been advertised. Mr. Mannino requested that the application and zoning ordinance be made part of the official record. Copies of the adopted procedures and zoning standards are available upon request. Mr. Mannino this is an amendment for the Hillendale Senior Condo Complex located at 150 Old Mill Road. This property was rezoned from the industrial to multi-family residential in 1998 with a timeframe on the use of River Drive for construction access to the property for a maximum of two years from

the issuance of a Certificate of Occupancy on the first units completed. Mr. Mannino stated that only a portion of this complex has been constructed and the applicant seeks to temporarily use River Drive and an industrial property to the south for construction access. Mr. Mannino stated that there have been no additions or changes since the last meeting and the Planning Commission has recommended approval of modifying the zoning condition (keeping the property zoned MF-14) with the condition that the rear access expires two (2) years from the issuance of the first building permit.

Mayor Santini opened the floor for a public hearing and with no comments he closed the public hearing.

A motion to approve Ordinance No. 03-14 as recommended by the Planning Commission was made by Council Member Tonsmeire and seconded by Council Member Hodge. Motion carried unanimously. Vote 5-0

Ordinance
of the
City of Cartersville, Georgia

Ordinance No. 03-14

Petition No. Z13-08

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Hillendale – Cartersville LLC. Property is located at 150 Old Mill Road. Said property contains 20.28 acres located in the 4th District, 3rd Section, Land Lot(s) 627 and 670 as shown on the attached plat Exhibit “A”. Property is hereby rezoned from MF-14 with conditions to MF-14 with conditions the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

- 1. Allow the use of River Drive for temporary construction vehicle access to complete the final phase of the Hillendale Senior Condo Complex with access limited to two years from the issuance of the first building permit.**

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of December 2013.

ADOPTED this the 2nd day of January 2014. Second Reading.

/s/ Matthew J. Santini
Matthew J. Santini
Mayor

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

E. Second Reading of Ordinances

- 1. Amendment to Swimming Pool and Spa Code**

Randy Mannino, Planning and Development Director stated that on January 1, 2014 the now codes adopted by the DCA (Department of Community Affairs) will be in effect. Mr. Mannino stated that the code for pools, spas, and water parks was last amended in 2001 and these new codes apply to new construction not pools in existence. Mr. Mannino stated that there have been no changes or additions since the first reading and recommended approval.

A motion to approve Ordinance No. 04-14 was made by Council Member Tonsmeire and

seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

Ordinance
of the
City of Cartersville, Georgia
Ordinance No. 04-14

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES. CHAPTER 6. BUILDINGS AND BUILDING REGULATIONS VIII. SWIMMING POOLS. Sec. 6-161 Standard Swimming Pool Code-Adopted is hereby amended by deleting said Section Sec. 6-161 in its entirety and replacing it with the following:

1.

Sec. 6-161. - Standard Swimming Pool Code—Adopted.

The International Swimming Pool and Spa Code 2012 Edition, and all amendments thereto, are adopted by reference.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of December 2013.

ADOPTED this the 2nd day of January 2014. Second Reading.

/s/ Matthew J. Santini
Matthew J. Santini
Mayor

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

2. Revision to Ordinance Chap 4, Art II, Div 2, Sec 4-56

Randy Mannino, Planning and Development Director stated that the Bartow County Tax Commissioner has adopted a policy to not issue occupation tax certificates (business license) or alcohol license until proof of payment of outstanding ad valorem taxes have been paid. This policy has cleared up a great number of backlogs in the county and felt that the same policy would be beneficial to the City. Mr. Mannino stated after a review of city ordinances this is already required for Occupation Taxes; however no similar provision exists under the alcohol license. Mr. Mannino stated that there have been no additions or changes since the first reading and recommended approval of this amendment to the Alcohol License Ordinance.

A motion to approve Ordinance No. 05-14 was made by Council Member McDaniel and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

Ordinance
of the

City of Cartersville, Georgia

Ordinance No. 05-14

Now be it and it is hereby ORDAINED by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 4. ALCOHOLIC BEVERAGES. ARTICLE II. LICENSING REQUIRMENTS. DIVISION 2. APPLICATION AND ISSUANCE. Section 4-56. Limitations on issuance is hereby amended by adding a new paragraph (d) as follows:

1.

(d) Upon the payment of all occupation, specific, special, or ad valorem taxes due the City by such person or entity being the applicant or other parties of interest in the application for any previous year

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia

BE IT AND IT IS HEREBY ORDAINED.

First Reading this the 19th day of December 2013.

ADOPTED this the 2nd day of January 2014. Second Reading.

/s/ Matthew J. Santini
Matthew J. Santini
Mayor

ATTEST:

/s/ Connie Keeling
Connie Keeling
City Clerk

F. Resolutions

1. Amendment to Cartersville Pension Plan Document

Dan Porta, Assistant City Manager stated that this resolution will amend the Pension Plan to delete section 6.10 Terminal Pay. This provision of the Pension Plan was added in June 2011 to pay vacation and other termination compensation from the pension plan and not from regular city operating funds. This provision was added to the Pension Plan as a savings mechanism to the city but was not consistently followed by city staff. Mr. Porta recommended approval.

A motion to approve Resolution No. 01-14 was made by Council Member Tonsmeire and seconded by Council Member Tate. Motion carried unanimously. Vote 5-0

Resolution No. 01- 14

WHEREAS, The City of Cartersville ("Employer") maintains The City of Cartersville Pension Plan ("Plan") for the benefit of such of its employees as are eligible thereunder; and

WHEREAS, in accordance with the power reserved to it in Section 12.1 of the Plan, the Employer may amend the Plan at any time, subject to certain conditions not now relevant; and

WHEREAS, the Employer deems it advisable to amend the Plan to reflect the deletion of Section 6.10 Terminal Pay;

NOW, THEREFORE, it is RESOLVED, that the plan shall be, and hereby is, amended, and it is further

RESOLVED, that the proper officers of the Employer are hereby authorized and directed to take such other and further actions on the advice of counsel, including the making of additional amendments not inconsistent with the general tenor of the foregoing, so that the Plan, as amended, continues to meet the qualification requirements of Section 401(a) of the Internal Revenue Code of 1986, as amended (“Code”), and the implementing trust thereunder continues to be tax-exempt under said Code.

ADOPTED this the 2nd day of January 2014.

**/s/ Matthew J. Santini
Matthew J. Santini
Mayor**

ATTEST:

**/s/ Connie Keeling
Connie Keeling
City Clerk**

G. Contracts/Agreements

1. Immigration and Customs Enforcement

Frank McCann, Assistant Police Chief stated that as part of the Bartow-Cartersville Drug Task Force it is often necessary to have Immigration and Custom’s Enforcement involved in cases where suspects are discovered to be illegal aliens or have outstanding orders for deportation in existence. Chief McCann stated that this Memorandum of Understanding will make certain ICE filed resources available to the Drug Task Force and Police Department at no cost to the city. Chief McCann recommended approval.

A motion to approve the MOU with Immigration and Customs Enforcement was made by Council Member Hodge and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

H. Bid Award/Purchases

1. Industrial Park Road Railroad Crossing Repair

Tommy Sanders, Public Works Superintendent stated that this is an invoice from Vorst Paving, Inc. in the amount of \$9,024.75 for services rendered in the repair of the railroad crossing on Industrial Park Road. Mr. Sanders stated that CSX agreed to repair the crossing if the City paid for the asphalt. Mr. Sanders stated that this will be paid from the 2003 SPLOST and recommend approval.

A motion to approve the invoice with Vorst Paving Inc. was made by Council Member Tate and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

2. Line Truck Rebuild – Additional Repairs

Don Hassebrock, Electric Department Director stated that at the November 7, 2013 City Council Meeting an estimate was approved to rebuild a twelve (12) year old line truck. After Terex took the truck apart additional repair items were found in the amount of \$5,596.01. Mr. Hassebrock stated that the total cost of repairs is under the budgeted amount and recommended approval.

A motion to approve the additional repairs was made by Council Member McDaniel and seconded by Council Member Tonsmeire. Motion carried unanimously. Vote 5-0

After announcements a motion to adjourn the meeting was made by Council Member Stepp and needing no second. Motion carried unanimously. Vote 5-0

Meeting Adjourned

/s/ _____
Matthew J. Santini
Mayor

ATTEST:

/s/ _____
Connie Keeling
City Clerk